

November 5, 2003

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**REPORT AND DECISION**

SUBJECT: Department of Development and Environmental Services File No. **E0300675**

**JENNIFER JOHNSON and SCOTT WILKE**  
Code Enforcement Appeal

Location: 20139 Southeast 248th Street

Appellants: **Jennifer Johnson**  
12543 Northeast 23rd Place, #D1  
Bellevue, WA 98005  
Telephone: (425) 881-8549

**Scott Wilke**  
20139 Southeast 248th Street  
Maple Valley, WA 98038

King County: Department of Development and Environmental Services  
*represented by* **Sheryl Lux**  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055-1219  
Telephone: (206) 205-1525  
Facsimile: (206) 296-6604

**SUMMARY OF DECISION/RECOMMENDATION:**

Department's Preliminary Recommendation:

Deny appeal

Department's Final Recommendation:

Deny appeal

Examiner's Decision:

Appeal denied

**EXAMINER PROCEEDINGS:**

Hearing Opened:

November 4, 2003

Hearing Closed:

November 4, 2003

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**FINDINGS, CONCLUSIONS & DECISION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS:**

1. On September 3, 2003 the King County Department of Development and Environmental Services, Code Enforcement Section, issued a notice and order to Jennifer Johnson and Scott Wilke concerning property located in the RA 5 zone at 20139 Southeast 248<sup>th</sup> Street. Ms. Johnson is the owner of the property and her son Scott Wilke is the former owner and current tenant. The notice and order cites the property for occupancy of sub-standard dwellings; vehicles parked on unimproved surfaces; placement of a mobile home without required permits; placement of structures, vehicles, scrap, junk and debris within a wetland buffer; siting shipping containers and construction of outbuildings without required permits, and accumulation of inoperable vehicles, parts, scrap, junk and debris in violation of code requirements. Mr. Wilke filed a timely appeal on behalf of himself and his mother.
2. Most of the essential facts are not an issue. Staff testimony and photographs attest to the existence on the property of a single wide mobile home, three travel trailers, more than 20 inoperable vehicles, piles of scrap materials, junk and debris, two storage structures constructed out of tarps stretched over pole frames, two or three other shacks and at least two shipping containers. No permits exist for any of the structures cited, although a building permit was issued in 1994 for construction of a primary residence, with the single wide trailer to be used as a temporary facility during the construction period. The building permit expired without any construction having taken place.
3. The evidence supporting the citation for placing vehicles and structures within the wetland buffer is rather general. Both a notice on title filed by Mr. Wilke in 1994 and GIS mapping within the County system show the approximate location of the on-site wetland and buffer on the southern half of the property. Based on these documents, it appears likely that the southernmost structures and vehicles on the site probably impinge upon the wetland buffer.
4. The Appellants contend that substantial progress has been made since the issuance the notice and order toward cleaning up the property. The principal obstacles that appear to exist with respect to bringing the property into full compliance are the necessity to obtain a building permit covering the single wide mobile home and any of the storage containers that are proposed to be retained on site. Mr. Wilke suggested that in order to obtain a building permit and its requisite septic approval issues may need to be resolved regarding the condition of the 100 foot well protection zone lying off-site to the north adjacent to the community well. In addition, state certification will need to be obtained for any abandoned vehicles to be removed from the property. The compliance conditions attached to this decision take into account these obstacles.

CONCLUSIONS:

1. The uncontradicted evidence presented by DDES staff supports issuance of the notice and order. The notice and order therefore must be upheld.

DECISION:

The appeal is DENIED.

ORDER:

1. The residential occupancy of all structures and vehicles on the property shall cease immediately. The mobile home may be reoccupied after required permit approvals and inspections have been obtained.
2. Within **45 days** of the date of this order all remaining inoperable vehicles, operable vehicles not belonging to the Appellants, unpermitted storage structures and remaining parts, scrap, junk and debris shall be removed from the site. By the same deadline any operable vehicles belonging to the Appellants shall be parked on an acceptable impervious surface.
3. Within **60 days** of the date of this order a building permit application shall be filed with DDES to legalize the existence on the property of the single wide mobile home and any shipping containers proposed to be retained as accessory storage buildings. If no permit application is filed, these structures shall be removed from the property within the 60 day time period.
4. Code Enforcement staff may extend the time limits stated above for good cause shown based on a good faith effort toward achieving compliance.
5. If any of the foregoing deadlines are not met, DDES may assess penalties against the Appellants and their property retroactive to the date that such mandatory deadline was violated.

ORDERED this 5th day of November, 2003.

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Stafford L. Smith  
King County Hearing Examiner

TRANSMITTED this 5th day of November, 2003, by certified mail to the following:

Jennifer Johnson  
12543 Northeast 23<sup>rd</sup> Pl., #D1  
Bellevue, WA 98005

Scott Wilke  
20139 Southeast 248<sup>th</sup> St.  
Maple Valley, WA 98038

TRANSMITTED this 5th day of November, 2003, to the parties and interested persons of record:

Jennifer Johnson  
12543 NE 23rd Pl. #D1  
Bellevue WA 98005

Scott Wilke  
20139 SE 248th St.  
Maple Valley WA 98038

Elizabeth Deraitus  
DDES/LUSD  
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MS OAK-DE-0100

Sheryl Lux  
DDES/LUSD  
Code Enforcement  
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Patricia Malone  
DDES/LUSD  
Code Enf. Section  
MS OAK-DE-0100

Heather Staines  
DDES/BSO  
Code Enf.-Finance  
MS OAK-DE-0100

### NOTICE OF RIGHT TO APPEAL

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding code enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

### MINUTES OF THE NOVEMBER 4, 2003 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E0300675.

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing was Sheryl Lux, representing the Department; and Jennifer Johnson and Scott Wilke, the Appellants.

The following exhibits were offered and entered into the record:

Exhibit No. 1	DDES Staff Report to the Hearing Examiner
Exhibit No. 2	Copy of the Notice & Order issued September 3, 2003
Exhibit No. 3	Copy of the Statement of Appeal received September 29, 2003
Exhibit No. 4	Copies of Codes cited in the Notice & Order
Exhibit No. 5a-o	Photographs of property taken August 12, 2003
Exhibit No. 6	Copy of Sensitive Areas Notice on Title recorded February 23, 1994
Exhibit No. 7	Copy of GIS maps showing Class 2S stream, Class 2 Wetland and Groundwater Contamination Areas
Exhibit No. 8a-b	Copy of GIS 2000 aerial and October 12, 2002 Guardian One aerial